
OLR Bill Analysis

sSB 975

AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION STATUTES AND THE DESIGNATION OF ROADS AND BRIDGES IN HONOR OR IN MEMORY OF PERSONS AND ORGANIZATIONS.

SUMMARY:

This bill changes the way the Department of Transportation (DOT) disposes of excess property (§ 1) and makes a number of other changes to transportation laws, including:

1. expanding the ban on using hand-held cell phones while driving to include when a vehicle is temporarily stopped because of traffic, road conditions, or traffic control signs or signals (§ 10);
2. limiting the vehicles that can travel on the Hartford-New Britain Busway (§ 8);
3. requiring DOT to study railroad improvements, including electrifying all New Haven Line branch lines and increasing funding to expand commuter parking at train stations (§ 23);
4. exempting certain Connecticut Airport Authority employees from occupational licensing requirements and applying to the authority the same rules that govern state agencies when constructing or altering buildings (§§ 14-15);
5. authorizing DOT to issue a permit allowing filming on its property (§ 4);
6. requiring vessels carrying marine pilots to obtain a certificate of insurance from their insurers, rather than a certificate of compliance from DOT, and increasing fines for noncompliance (§ 7);
7. increasing billboard permit fees and making other changes to

laws affecting outdoor advertising (§ 11);

8. eliminating the requirement that DOT prepare, publish, and regularly update a Master Transportation Plan (§§ 16-20, 25-28, & 54); and
9. requiring DOT, when replacing its signs, to use gender-neutral signs where applicable (§ 52).

It also renames bridges and roads, and requires certain signs to be erected notifying motorists of ferry services, the Stewart B. McKinney wildlife refuge, and vehicle height restrictions on the Merritt Parkway.

EFFECTIVE DATES: Various, see below.

§ 1 — DISPOSITION OF EXCESS LAND

The bill modifies the way DOT disposes of land it no longer needs for highway purposes.

By law, the DOT commissioner, with the advice and consent of the Office of Policy and Management (OPM) secretary and the State Properties Review Board, may sell, lease, convey, or otherwise dispose of excess land. Current law generally requires DOT to transfer excess property to state agencies, towns, or through public bid or auction.

Current law requires DOT, for 25 years after it acquires residential land on which there is a single-family house, to first offer the owner of the property at the time it was acquired the opportunity to buy the home at its appraised value. If the former homeowner does not accept the offer, DOT must offer (1) parcels that meet local zoning requirements for residential or commercial use to other state agencies and (2) other parcels to abutting landowners

The bill retains the requirement to offer property with a single family home to its prior owner but otherwise changes the property disposal rules. The bill requires DOT to offer (1) properly recorded properties to other state agencies before they are put up for public bid or auction, regardless of how they are zoned and (2) other parcels to

abutting landowners, according to regulations. It requires DOT to hold a public bid or auction for properly recorded lots, but allows the department, if it does not receive any bids at the initial bid or auction, to (1) keep marketing the property and accept offers for it or (2) hold another bid or auction.

Appraisals

By law, unless it is going to be transferred to another state agency or a municipality, DOT must get excess property appraised before selling it. Current law requires DOT to get a second appraisal if such property is (1) valued at more than \$100,000 and (2) not going to be sold through public bid or auction. The bill instead requires the department to get a second appraisal if the property is (1) valued at more than \$250,000 and (2) to be sold to an abutting landowner or the former owner of a single-family home on the property. As under current law, property that DOT transfers to other state agencies is exempt from the appraisal requirement.

EFFECTIVE DATE: October 1, 2013

§ 2 — NEW HAVEN-HARTFORD-SPRINGFIELD RAIL LINE

The bill authorizes the DOT commissioner, in consultation with the OPM secretary and with the governor's approval, to enter into agreements with Vermont, or an entity acting on that state's behalf, necessary for Connecticut's participation in the New Haven-Hartford-Springfield passenger rail line. The commissioner already has this authority with respect to Massachusetts.

EFFECTIVE DATE: Upon passage

§ 3 — DELEGATION OF DOT COMMISSIONER'S AUTHORITY

The bill allows the commissioner to delegate to DOT bureau heads or other appropriate agency staff the authority to sign any document the commissioner may sign, and deems any such signature binding and valid. It (1) authorizes the heads of operating bureaus to attest that certified copies of any documents relating to DOT operation or the commissioner's records are true copies and (2) deems these records

competent evidence, in any court, of the facts they contain. The commissioner may already delegate this authority to DOT deputy commissioners and its chief engineer.

EFFECTIVE DATE: Upon passage

§ 4 — FILMING PERMIT

The bill authorizes the commissioner to issue a filming permit, on a form he requires, to anyone seeking to film on (1) a state highway right-of-way or (2) property in DOT's custody or control. The permit must specify the insurance coverage required of the permittee, as determined by the commissioner in consultation with the state's insurance and risk management director, with the state named as an additional insured. Under the bill, the state, its agencies, and employees are not liable for injuries or damages to any person or property resulting from filming on state property or a highway right-of-way.

EFFECTIVE DATE: October 1, 2013

§ 5 — EASEMENTS OF STATE LAND FOR UTILITY PURPOSES

The bill allows the commissioner to grant easements on state land to (1) a public service company (e.g., electric, gas, telephone, or cable TV company); (2) the owner of a district heating and cooling system; or (3) a municipal water or sewer authority, in connection with bringing utility service to a DOT facility or office. The State Properties Review Board must approve such easements.

EFFECTIVE DATE: October 1, 2013

§ 6 — EXEMPTION FOR MINIMUM HEIGHT REQUIREMENTS FOR FAIRFIELD BRIDGE

The bill exempts a bridge for the structure carrying the Metro Center Access Road over the Metro-North Railroad in Fairfield from a law requiring the minimum overhead clearance for structures crossing railroads with overhead electrical wires to be 22 feet, six inches. The Fairfield bridge has a minimum overhead clearance of 22 feet, two inches.

EFFECTIVE DATE: Upon passage

§ 7 — INSURANCE CERTIFICATES FOR CERTAIN MARINE VESSELS

The bill requires the owner or operator of a vessel that carries a licensed marine pilot to another vessel in open and unprotected waters to obtain a certificate of insurance from an insurance carrier. The insurance certificate must be based on a survey conducted and documented by a qualified marine surveyor, guided by applicable U.S. Coast Guard regulations, if any, and vessel insurability standards set by insurance companies. It eliminates a requirement that these owners or operators obtain a certificate from the commissioner certifying that the owner or operator complies with applicable DOT regulations.

Under current law, “open and unprotected waters” means waters east of the area depicted as “The Race” on National Oceanic and Atmospheric Administration charts of eastern Long Island Sound. The bill instead includes any open and unprotected waters.

The bill increases the fine for failing to comply. Under the bill, the fine is between \$500 and \$1,000 for violating the insurance requirement. Fines under current law range from \$60 to \$250 for each violation of the DOT certificate requirement and regulations.

EFFECTIVE DATE: October 1, 2013

§§ 8-9 — HARTFORD-NEW BRITAIN BUSWAY

The bill includes roadways dedicated for bus rapid transit service (e.g., the Hartford-New Britain busway) as a “highway” under state law, thereby applying all laws affecting highways to the busway.

It prohibits anyone from entering or traveling on roadways dedicated for bus rapid transit service unless he or she is an operator or passenger in (1) a state-authorized motor vehicle providing public transit service, (2) an authorized emergency vehicle responding to an emergency, (3) a vehicle operated by DOT or a DOT contractor authorized to maintain the roadway, or (4) a motor vehicle the commissioner specifically allows in writing to enter or travel on the

busway. A violation is an infraction (see BACKGROUND).

EFFECTIVE DATE: Upon passage

§ 10 — CHANGES TO CELL PHONE LAW

The law prohibits a motor vehicle operator from using a hand-held cell phone or mobile electronic device while the vehicle is in motion. The bill prohibits using these devices when the vehicle is temporarily stopped because of traffic, road conditions, or a traffic control sign or signal. But it allows use of a cell phone or electronic device if the operator is parked safely on the side or shoulder of a highway. It applies this prohibition to the use of any cell phone or mobile electronic device, including those that are hands-free, by a (1) school bus driver operating a school bus carrying passengers or (2) driver age 17 or younger operating any motor vehicle. As under current law, these restrictions do not apply in an emergency.

Current law allows anyone with a Federal Communications Commission amateur radio station license to use a hand-held radio while driving. The bill prohibits these drivers from doing so except in an emergency.

It also makes conforming changes.

EFFECTIVE DATE: October 1, 2013

§ 11 — BILLBOARD FEES

The bill doubles fees related to billboards. It increases, from \$50 to \$100, the application fee for a permit to erect signs containing fewer than 300 square feet of advertising space, and from \$100 to \$200 the application fee for signs with at least 300 square feet of advertising space.

It double the annual permit fee for signs as shown in Table 1:

Table 1: Billboard Permit Fees

<i>Size</i>	<i>Current Annual Permit Fee</i>	<i>Annual Permit Fee Under the Bill</i>
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Up to 300 square feet	\$20	\$40
Between 301 and 600 square feet	\$40	\$80
Between 601 and 900 square feet	\$60	\$120

It also imposes a \$100 permit transfer fee, to be paid by the transferee.

EFFECTIVE DATE: October 1, 2013

§ 12 — DISPLAY OF BILLBOARD PERMIT NUMBERS

The bill modifies the requirements for the display of billboard permit numbers. It requires that each number be clearly posted, instead of painted, on each structure in legible figures at least 12 inches, instead of two inches, high.

It requires the permit numbers to be displayed, for a sign on a single post, on the side of the post so that it can be seen from the roadway; for a sign on multiple posts, on the side of the post closest to the roadway so that it can be seen from the roadway; and for a sign without support posts, on the bottom left corner of the display.

Current law requires only that a permit number on a single post be posted on the face of the post under the sign. The bill eliminates a permit number display requirement for poster boards.

EFFECTIVE DATE: October 1, 2013

§ 13 — ELECTRONIC BILLBOARD DISPLAY

The bill requires that the static display on electronic billboards last at least eight, rather than six, seconds.

EFFECTIVE DATE: October 1, 2013

§ 14 — EXEMPTION FROM OCCUPATIONAL LICENSING REQUIREMENTS

The bill exempts Connecticut Airport Authority employees from occupational licensing requirements that apply to, among others, electricians; plumbers; solar, heating, piping, and cooling contractors and journeymen; and elevator and fire protection sprinkler craftsmen.

EFFECTIVE DATE: Upon passage

§ 15 — CONNECTICUT AIRPORT AUTHORITY AND STATE BUILDING CODE

The bill applies to the Connecticut Airport Authority the law concerning construction of state buildings and the State Building Code. The law requires, among other things, that the state building inspector issue a building permit and certificate of occupancy for new construction and additions to most state buildings over statutorily set “threshold” limits (see BACKGROUND). Neither a building permit nor a certificate of occupancy is needed for a newly-built or altered state building below these thresholds.

State agencies are responsible for complying with the State Building Code and State Fire Code. The state building inspector (1) must review agency plans and specifications for the building, structure, or addition to verify compliance with the State Building Code and (2) may inspect the buildings and order a state agency to comply with the code. He may ask the state fire marshal to review agency plans to verify compliance with the State Fire Code.

EFFECTIVE DATE: Upon passage

§§ 16-20, 25-28, & 54 — ELIMINATION OF THE MASTER TRANSPORTATION PLAN

The bill eliminates the requirement that DOT develop, and revise every two years, a master transportation plan, and makes conforming changes. By law, the master transportation plan includes, among other things, DOT’s recommendations for planning, engineering, rights-of-way acquisition, construction, reconstruction, rehabilitation and modernization of transportation facilities, including mass transit, and the department’s priorities for a five-year period. The bill eliminates, among other things, a requirement that any alterations in the state highway system or plans to establish or expand an airport be consistent with the master transportation plan (§§ 26, 27). Several other laws require consideration of the master plan.

EFFECTIVE DATE: July 1, 2013

§§ 21 & 54 — DISPOSAL OF EXCESS PROPERTY ACQUIRED FOR ROUTE 6

The bill repeals a law requiring the commissioner, with the advice and consent of OPM and the State Properties Review Board, to dispose of land the state no longer needs for the Route 6 Expressway. Among other things, this law requires two appraisals for a parcel valued at more than \$100,000, and, if the property is not sold through public bid, that it be sold at the average of the two appraisals. Existing law, modified in § 1 of this bill, allows DOT to sell land no longer needed for highway purposes.

EFFECTIVE DATE: July 1, 2013

§ 22 — DISTRACTED DRIVING QUESTIONS ON KNOWLEDGE TEST

The bill requires the driver's license knowledge test to include at least one question on distracted driving, the use of cell phones and electronic devices while driving, or the responsibilities of drivers under the law banning the use of these phones and devices while driving.

EFFECTIVE DATE: October 1, 2013

§ 23 — DOT RAIL STUDY

The bill requires DOT to develop a railroad modernization initiative to improve the state's commuter rail service and infrastructure. The initiative must include a plan to:

1. electrify all New Haven Line branch lines by January 1, 2023;
2. increase funding to expand commuter parking at train stations;
3. place a voting member representing Connecticut on the board of the Metropolitan Transportation Authority; and
4. analyze the feasibility of selling land DOT acquired to improve Route 7, with the proceeds going to upgrade rail infrastructure and service.

The commissioner must submit details of the initiative to the Transportation Committee by February 1, 2014.

EFFECTIVE DATE: July 1, 2013

§ 24 — ELIMINATING CERTAIN TRANSIT DISTRICT EXECUTIVE SESSIONS

The bill eliminates a requirement that transit district boards of directors enter executive sessions twice annually to consider budgetary matters.

By law, the board of directors of each transit district must hold a public hearing at which itemized estimates of the district's expenditures are presented for the coming fiscal year. Current law requires the board, after the public hearing, to enter executive session to prepare and publish a report including itemized statements of receipts and expenditures in the previous fiscal year and anticipated revenues and expenditures in the coming year, among other things. The board must meet again in executive session, two to four weeks after publishing this statement, to make specific appropriations.

EFFECTIVE DATE: Upon passage

§§ 29–49 — BRIDGE AND ROAD NAMING

The bill designates:

1. Bridge number 04324 on Route 175 in Newington, the "Sergeant Burton E. Callahan Memorial Bridge."
2. Bridge number 06246 on Route 73 in Watertown over Steele Brook, the "Pearl Harbor Memorial Bridge."
3. Bridge number 01500 on Route 185 in Simsbury over the Farmington River, the "Bataan Corregidor Memorial Bridge."
4. Bridge number 03603 on Greenwoods Road in Torrington over Route 8, the "Jerry Dale Cox III Memorial Bridge."
5. The portion of State Road 800 in Torrington from the intersection

- of Route 4 north to the intersection of the exit 45 off ramp of Route 8 south, the "John Tony Miscikoski Memorial Highway."
6. The portion of Route 3 in Cromwell from the Cromwell-Rocky Hill town line south to Evergreen Road, the "Paul Roger Harrington Memorial Highway."
 7. The portion of Route 118 in Harwinton from the Route 8 underpass east to the intersection of Route 4, the "Robert and George Oneglia Memorial Highway."
 8. The portion of State Road 639 in New London from the intersection of Jefferson Avenue south to the intersection of Bank Street, "Dr. Martin Luther King, Jr. Memorial Boulevard."
 9. The rest area east of exit 28 on I-84 east in Southington, the "Auxiliary Trooper Edward W. Truelove Memorial Rest Area."
 10. Bridge number 00323 on Route 10 in Cheshire over I-691, the "Lieutenant Myron Verner Memorial Bridge."
 11. The portion of Route 137 in Stamford from Route 1 to Broad Street, the "U.S. Navy SEAL Brian R. Bill Memorial Highway."
 12. Bridge number 03612 on State Road 745 in West Haven carrying Kimberly Avenue over the West River, the "Officer Robert Vincent Fumiatti Memorial Bridge."
 13. Bridge number 05768 on Beckley Road in Berlin over Route 9, the "Berlin Lions Club Memorial Bridge."
 14. The portion of Route 68 in Wallingford east of bridge number 01867, over Route 5, east to Bridge number 03132, over I-91, the "Christopher Columbus Memorial Highway."
 15. The portion of Route 151 in East Haddam from the East Haddam-Haddam town line east to Route 149, the "Private First Class Peter P. Golec Memorial Highway."
 16. Bridge number 00648 on I-84 east in Southington over Route 10,

the "John A. Dolan Memorial Highway."

17. The portion of Route 5 in Enfield from Alden Avenue north to Dartmouth Street, the "American Legion Post 80 Memorial Highway."
18. Bridge number 00036 on Blachley Road in Stamford over I-95, the "Leslie A. Padilla Memorial Bridge."
19. Bridge number 00153 on Quarry Road in Milford over I-95, the "John D'Amato Memorial Bridge."
20. The portion of Route 160 in Rocky Hill from the Rocky Hill-Berlin town line east to the intersection of Route 3, the "Rocky Hill Fire Department Memorial Highway."
21. The portion of Route 175 in Wethersfield from the Wethersfield-Newington town line east to the intersection of Route 99, the "Wethersfield Fire Department Memorial Highway."

EFFECTIVE DATE: Upon passage

§ 50 — MCKINNEY WILDLIFE REFUGE SIGNS

The bill requires DOT to place signs indicating the location of the Stewart B. McKinney National Wildlife Refuge (1) west of exit 64 on I-95 north, (2) east of exit 64 on I-95 south, and (3) on the exit 64 off-ramps of I-95 north and I-95 south.

EFFECTIVE DATE: Upon passage

§ 51 – FERRY SERVICE SIGNS

The bill requires DOT to designate the location or exit for ferry service to Long Island by (1) using electronic signs on I-95 south, east of exits 92 and 84S; (2) placing signs on (a) I-95 south, east of exits 91, 89, and the Gold Star Memorial Bridge; (b) I-395 south, south of exit 79; and (3) Rt. 32 south, north of the ferry terminal.

EFFECTIVE DATE: Upon passage

§ 52 — GENDER NEUTRAL SIGNS

The bill requires DOT to acquire and use, if applicable, gender-neutral signs when replacing any of its signs.

EFFECTIVE DATE: July 1, 2013

§ 53 — MERRITT PARKWAY SIGNS

The bill requires DOT to install, when first replacing any sign on any Merritt Parkway ramp indicating a vehicle height restriction, a larger sign indicating such restriction.

EFFECTIVE DATE: July 1, 2013

BACKGROUND

Threshold Limits for New Construction of and Additions to State Buildings

By law, the threshold limits are (1) four stories, (2) 60 feet high, (3) a clear span of 150 feet wide, (4) 150,000 square feet of floor space, or (5) occupancy by 1,000 or more people (CGS § 29-276b).

Infractions

An infraction is not a crime, and it can be paid by mail without making a court appearance.

Related Bills

SB 940, reported favorably by the Commerce Committee and referred to the Transportation Committee, authorizes DOT to issue a film permit.

HB 5250, reported favorably by the Transportation Committee, requires driver license knowledge tests to include a question on highway work zone safety.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/15/2013)